

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

RUBEN WILLS,

Plaintiff,

vs.

**MICROGENICS CORPORATION,
THERMO FISHER SCIENTIFIC, INC.,
ACTING COMMISSIONER ANTHONY J.
ANNUCCI, AND SUPERINTENDENT
DELTA BAROMETRE, SUPERINTENDENT
FOR PROGRAMS MITCHELL,
LIEUTENANT MCCREY, LIEUTENANT
WOODBURY, AND CAPTAIN DOE,**

Defendants.

COMPLAINT

Index No. 20-CV-4432

Plaintiff Ruben Wills, by his attorney at Rickner PLLC, complaining of the Defendants, respectfully alleges the following:

PRELIMINARY STATEMENT

1. Defendants Microgenics Corporation and Thermo Fisher Scientific, Inc. sold a urinalysis analyzer that repeatedly gave false positives, despite knowing that incarcerated persons in the State of New York would be penalized, and deprived of their liberty, when their defective device wrongly reported that people had used opiates, when in fact they had not. Plaintiff Ruben Wills' urine was tested by correction officers and an employee from Microgenics, falsely tested positive for opiates, and Wills was punished as a result. This was negligence and violated the duty of care owed to Plaintiff Ruben Wills. Further, these companies violated Wills' rights and committed the tort of malicious prosecution by falsely stating that their tests were not only accurate, but that they required no other confirmation using a more accurate